

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
Northern Division**

UNITED STATES OF AMERICA

PLAINTIFF

V.

CIVIL ACTION NO. 3:12-cv-000790-HTW-LGI

THE CITY OF JACKSON, MISSISSIPPI

DEFENDANT

**LAKELAND SENIORS LLC'S MOTION FOR LEAVE TO FILE A SURREPLY
IN SUPPORT OF ITS MOTION FOR LEAVE TO FILE SUIT**

Lakeland Seniors, LLC (Lakeland Seniors) moves the Court for leave to file a surreply in support of its motion for leave to file suit against Jxn Water, Inc. (Jxn Water).¹

On September 11, 2023, Lakeland Seniors filed a motion for leave to file suit against Jxn Water. Doc. 50. Jxn Water filed a response in opposition. Doc. 65. And Lakeland Seniors filed a reply in support. Doc. 71.

Jxn Water then filed a motion for leave to file a surreply. Doc. 75. Jxn Water's surreply includes new argument and evidence, including photographs of the purportedly fixed water meter and a sworn declaration of Ted Henifin based on, among other things, his appointment as the Interim Third-Party Manager, the forming of Jxn Water as a legal entity, the notice Jxn Water received of the leak at the site, and his visits to the site.

Lakeland Seniors is filing contemporaneously with this motion a response to Jxn Water's motion. In short, Lakeland Seniors does not oppose Jxn Water's request to file a surreply.

That said, Lakeland Seniors, as the original movant, has the right to respond to Jxn Water's surreply with its own surreply. *Brown v. Wiggins*, No. 3:18-CV-487-HTW-LRA, 2019

¹ Given this motion's length and nature, Lakeland Seniors asks that the Court waive any requirement of a separate memorandum brief.

WL 3723628, at *2 (S.D. Miss. Aug. 7, 2019) (“To allow the movant to have the last word in this matter as contemplated by Rule 7(b)(4), [the movant] is accorded the opportunity to file a response to the sur-reply if he so chooses.”); *Jorge v. Atl. Hous. Found., Inc.*, 2022 WL 6250698, at *4 (N.D. Tex. Oct. 7, 2022) (stating a “sur-reply (or sur-surreply) functions here as a reply through which a movant or applicant appropriately has the last word on a matter”) (citations and quotation marks omitted). Put simply, Lakeland Seniors is entitled to “the last word on the matter.” *Id.* at *4.

Accordingly, Lakeland Seniors requests permission to file the attached Surreply.

Respectfully submitted this 9th day of November, 2023.

/s/ Simon T. Bailey

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CERTIFICATE OF SERVICE

I hereby certify that on November 9, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Simon T. Bailey

Simon Bailey